Translation



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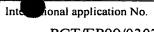
PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1998/F049 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)						
International application No. PCT/EP99/03071	International filing date (day/n 05 May 1999 (05.0						
International Patent Classification (IPC) or national classification and IPC C12N 15/55, 9/22, C12P 21/02, A61K 38/46, 39/395, 48/00, C12Q 1/34, 1/68							
Applicant AVENTIS RESEARCH & TECHNOLOGIES GMBH & CO. KG							
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.							
2. This REPORT consists of a total of	5 sheets, including	ng this cover s	heet.				
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).							
These annexes consist of a total of sheets.							
This report contains indications relating to the following items:							
I Basis of the report	I Basis of the report						
II Priority	II Priority						
III Non-establishment	of opinion with regard to nove	lty, inventive s	step and industrial applicability				
IV Lack of unity of in	vention						
V Reasoned statemen citations and explain	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement						
VI Certain documents	cited						
VII Certain defects in t	VII Certain defects in the international application						
VIII Certain observations on the international application							
Date of submission of the demand	Date o	Date of completion of this report					
19 November 1999 (19.	11.99)	04 October 2000 (04.10.2000)					
Name and mailing address of the IPEA/EP	Author	Authorized officer					
Facsimile No.	Teleph	Telephone No.					





PCT/EP99/03071

I. Basis of the report								
			nt sheets which have been furnished to the receiving Office in response to an invitatio filed" and are not annexed to the report since they do not contain amendments.):	7				
	the international	application as originally f	filed.					
\boxtimes	the description.	pages1-25	, as originally filed,					
		pages	, filed with the demand.					
		pages	, filed with the letter of	. •				
		pages	, filed with the letter of					
\boxtimes	the claims,	Nos. 1-14	, as originally filed,					
		Nos.	, as amended under Article 19,					
		Nos.	, filed with the demand,					
-		Nos. <u>15-18</u>	, filed with the letter of 27 September 2000 (27.09.2000)	. ,				
•		Nos.	, filed with the letter of	. •				
\boxtimes	the drawings,	sheets/fig 1-4	, as originally filed,					
		sheets/fig	, filed with the demand,					
		sheets/fig	, filed with the letter of	. •				
		sheets/fig	, filed with the letter of					
2. The amen	dments have result	ed in the cancellation of:						
	the description.	pages						
	the claims,	Nos.						
	the drawings,	sheets/fig						
3. Thi	s report has been exposed the discle	stablished as if (some of) to osure as filed, as indicated	the amendments had not been made, since they have been considered d in the Supplemental Box (Rule 70.2(c)).					
25 go 53, 502 and Castroon as meet, as mareated in the suppremental Son (redic 10.2(c)).								
4. Additiona	l observations, if n	ecessary:						
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Statement			
Novelty (N)	Claims	7-18	YES
	Claims	1-2, 5-6	NO
Inventive step (IS)	Claims	3-4	YES
	Claims	7-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	— Claims		NO

2. Citations and explanations

Relevant documents:

D1: DATABASE DDBJ/EMBL/GENBANK [Online] Accession number AA447167.1, 5 June 1997 (1997-06-05), HILLIER, L. ET AL.: 'Soares total fetus Nb2HF8 9w homo sapiens cDNA clone 783875 5' (EST)' XP002121378

Novelty (PCT Article 33(2)):

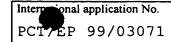
1). In view of document **D1** cited in the international search report, the subject matter of Claims 1-2 and 5-6 lacks the requisite novelty, since **D1** already describes a nucleic acid which, over a range of 383 bp, is 100% identical with the claimed nucleic acid. This DNA is present as a cDNA clone, that is in a vector construct, and was isolated from a gene bank using a probe. In order to overcome this objection, it is suggested that the application be restricted to the subject matter of Claim 3. In this respect, the applicants are informed that the function (deadenylating nuclease) is an inherent feature of the nucleic acid already described in **D1**. Adding this inherent feature does not render novel

the subject matter of the application in its current broad form. In addition, Claim 1 lays claim to parts of a nucleic acid having at least 8 nucleotides. It is extremely doubtful whether such short nucleotide sequences code at all for a peptide with any function.

Inventive step (PCT Article 33(3)):

- Although the subject matter of Claims 7-18 is novel, 1.) it lacks the requisite inventive step. The use of a known nucleic acid (cf. D1) for producing a polypeptide with the help of a suitable vector and a suitable host cell is merely a routine method which does not require an inventive step. The same applies to a method for producing antibodies directed against such a routinely produced polypeptide and to the use of the known nucleic acid or the polypeptide or antibody obtained therewith for producing a drug (for treating cancer), for a diagnostic agent (for diagnosing cancer) or for a test for identifying functional interactions. use of the nucleic acid already known from D1 for finding variants of human DAN or the use of the routinely produced polypeptide for the poly(A)specific separation of nucleic acids also appears to be extremely obvious.
- 2). In view of the result of the international search report, the subject matter of Claims 3-4 is novel. The subject matter of said claims also involves the requisite inventive step. The cited prior art neither discloses nor suggests the production of a new human deadenylating nuclease using the specific nucleic acid sequence described in SEQ. ID NO. 12,

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•	or	the	pharmaceutical	uses	thereof	as	per	Claims	
	11-	-18.							